

DELETE RULE 1.7 AND ADOPT NEW RULES 1.7.1, 1.7.2, AND 1.7.3

~~1.7—Official Reporting Services~~

~~(a) Availability of court reporters.~~ Pursuant to Rule 2.956 of the California Rules of Court, notice is hereby given that an official court reporter will normally be available for reporting all uncontested proceedings in the Court except traffic, small claims and unlawful detainer matters unless otherwise directed by the Court or requested by a party pursuant to (b).

~~(b) Requests for court reporter services.~~

~~Each party requesting the presence of an official court reporter for trial or contested hearing in a civil case and in any proceeding where a court reporter is not available under (a), must file a written statement with the Court at least 2 days before the trial or contested hearing date.~~

~~(c) Payment for court reporter services.~~

~~In any civil case in which the parties are required to deposit fees for the services of an official court reporter pursuant to Government Code §68086, the parties shall deposit with the Clerk their pro rata shares of these fees prior to the trial or contested hearing. The fees deposited shall be for the anticipated length of the trial or contested hearing. The parties shall provide proof of such payment to the Court prior to the commencement of the proceedings.~~

~~(Eff. 07/01/2010)~~

1.7.1 Availability of Court Reporters

Pursuant to Rule 2.956 of the California Rules of Court, the following notice is hereby given as to the availability of official court reporters:

Courtrooms 1, 2, 4, 5: Court reporters are normally available. However, for non-criminal cases, to ensure the availability of an official court reporter the party desiring reporting services must comply with Local Rules 1.7.2 and 1.7.3.

Courtroom 3: Court reporters are normally not available. However, court reporters will be made available if the party desiring reporting services complies with Local Rules 1.7.2 and 1.7.3.

Courtrooms 6-8: Court reporters are normally available for all proceedings other than case management conferences. However, to ensure the availability of an official court reporter the party desiring reporting services must comply with Local Rules 1.7.2 and 1.7.3.

Civil Trials: Court reporters will be made available if the party desiring court reporting services complies with Local Rule 1.7.3.

(Eff. 07/01/2014)

1.7.2 Court Reporters in Non-Criminal Cases – Proceedings Lasting One Hour or Less

(a) This rule concerns the presence of court reporters to report non-criminal proceedings, and does not address the cost of obtaining transcripts. Information about obtaining transcripts can be found on the Court’s website under the “General Info” tab.

(b) In accordance with Government Code section 68086, the Court collects a \$30 fee for every non-criminal proceeding lasting one hour or less at which a court reporter provides services, with the exceptions of hearings concerning solely family support and proceedings solely to obtain a domestic violence restraining order. The \$30 fee shall be paid by the party that filed the paper that resulted in the proceeding being scheduled. If the \$30 fee is required for a proceeding as provided herein, that proceeding may be delayed if the \$30 payment is delayed, and may not go forward if the fee remains unpaid. For a single case with multiple proceedings to take place in the same hour on the same day, one fee is collected per four proceedings.

(c) For proceedings at which a court reporter is normally available (*see* Local Rule 1.7.1), and with the exception of motions for summary judgment/adjudication, the \$30 fee shall be paid at the time the paper is filed that results in the hearing being scheduled. The fee shall be collected even if the party filing the paper does not wish to have a court reporter present. However, if the proceeding is completed or cancelled without reporting services actually being provided, the fee will be refunded as soon as practicable following receipt of a written request. No fee is required for hearings concerning solely family support or proceedings solely to obtain a domestic violence restraining order.

(d) It is the responsibility of the party desiring court reporting services, at least five court days prior to the date initially scheduled for the proceeding, to file a written statement requesting a court reporter and to pay the \$30 fee for the following proceedings: (1) proceedings at which a court reporter is normally unavailable or normally not provided (*see* Local Rule 1.7.1); (2) motions for summary judgment/adjudication; and (3) hearings concerning solely family support, except that the \$30 fee is not required for hearings concerning solely family support. If the proceeding is initially scheduled to take place on fewer than five days notice, the party desiring court reporting services must make the request and pay the fee, if applicable, at the earliest possible time following notice. The Court provides a form that must be used as the written statement, which is contained in Appendix 1.7 to these rules and available at the Court’s filing window.

(*Eff. 07/01/2014*)

1.7.3 Court Reporters in Non-Criminal Cases – Proceedings Lasting More than an Hour

(a) This rule concerns the presence of court reporters to report non-criminal proceedings, and does not address the cost of obtaining transcripts. Information about obtaining transcripts can be found on the Court’s website under the “General Info” tab.

(b) In accordance with Government Code section 68086, the Court charges a fee equal to the cost of providing court reporting services per every one-half day of services provided for every non-criminal proceeding lasting more than an hour, with the exceptions of hearings concerning solely family support

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and proceedings solely to obtain a domestic violence restraining order. The amounts for fees per one-half day and per full day are published in the Court's fee schedule, which is available through the Court's website.

(c) To ensure the presence of a court reporter for the first day of a proceeding lasting more than one hour, one or more of the parties must, at least five court days prior to the date initially scheduled for the proceeding, file a written statement requesting a court reporter's presence for more than an hour and pay their pro rata share of the one-half day fee. Although the written statement is required to ensure the presence of a reporter for all non-criminal proceedings lasting more than an hour, the fee is not charged for hearings concerning solely family support or proceedings solely to obtain a domestic violence restraining order. If a proceeding is initially scheduled to take place on fewer than five days notice, one or more parties must make the request and pay the pro rata fee at the earliest possible time following notice. The Court provides a form that must be used as the written statement, which is contained in Appendix 1.7 to these rules and available at the Court's filing window.

(d) If the proceeding will last more than a half-day and the proceeding is one requiring a fee as provided herein, to ensure the presence of a court reporter on each additional half-day, one or more parties must pay their pro rata share(s) for each additional half-day prior to the commencement of each additional half-day.

(e) The judge assigned to the proceeding may determine that fees should not be split evenly if, for example, only one party desires the presence of a court reporter. In the absence of such an order, fees shall be split evenly among the parties, even if only one of the parties initially requested the presence of a court reporter in compliance with subdivision (c). Any party who does not consent to an even split of reporter fees must raise the issue before or during the proceeding with the judge assigned to the proceeding so that the judge may order a proper allocation of reporter fees.

(Eff. 07/01/2014)

REVISE CURRENT RULE 2.5.1

2.5.1 Jury Fees and Expenses – Waiver of Right to Trial by Jury in Civil Cases

As provided in section 631 of the Code of Civil Procedure, the right to a trial by jury in civil cases is waived by a party's failure to pay a nonrefundable fee of one hundred fifty dollars (\$150). In most instances, this amount must be paid on or before the date scheduled for the initial case management conference to avoid a waiver. Section 631 also provides that the right to a trial by jury in civil cases is waived by a party's failure to pay additional sums required by that section beginning on the second day of trial.

(Eff. 07/01/1994; as amended, eff. 07/01/2010; as amended, eff. 07/01/2014)

REVISE CURRENT RULE 2.7.3

2.7.3 Mandatory Discovery

To facilitate discovery in actions claiming damages for personal injury (including emotional distress) and/or wrongful death, each plaintiff shall serve on all defendants written answers to questions (interrogatories). Said answers shall be signed by the plaintiff under penalty of perjury, and shall contain information about the plaintiff, the incident giving rise to the action, damages flowing therefrom, and medical information. (See Judicial Council Form DISC-001.) The plaintiff shall serve each defendant with the answers at the time the defendant is served with the summons or within ten (10) days of the defendant's first appearance, whichever occurs first.

Within ten (10) days of a defendant's filing of an answer, each defendant shall serve on each plaintiff written answers to questions (interrogatories). Said answers shall be signed by the defendant under penalty of perjury, and shall contain information about the defendant, the incident giving rise to the action, and any defenses claimed. (See Judicial Council Form DISC-001)

The above forms are available on the California Judicial Branch website or may be obtained in Court Operations. At the time plaintiff serves his or her answers on each defendant, the plaintiff shall also serve a blank DISC-001 to be answered by the defendant.

(Eff. 07/01/1994; as amended, eff. 07/01/2011; as amended, eff. 07/01/14)

ADOPT NEW CIVIL RULE 2.7.7

2.7.7 Dismissal Following Settlement

Rule 3.1385 of the California Rules of Court requires immediate, written notice to the Court if an entire case has settled, and the Judicial Council has prepared Form CM-200 for litigants to use in providing such notice. Parties are advised that, to promptly dispose of resolved matters, upon receipt of a notice of settlement the Court will typically place the matter on the dismissal calendar and, if no party appears at the dismissal hearing, will dismiss the matter without prejudice. Parties will be provided notice when matters are placed on the dismissal calendar. Unless the delay is short and is explained at the dismissal hearing, parties will not be allowed to delay dismissal of a settled case for the purpose of monitoring one side's compliance with the settlement. Parties may instead maintain the Court's jurisdiction to enforce the settlement until full performance of the terms of the settlement by obtaining a stipulated order to that effect prior to dismissal. *See* Code of Civil Procedure section 664.6; *Wackeen v. Malis* (2002) 97 Cal. App. 4th 429, 437-41; *Hagan Engineering, Inc. v. Mills* (2003) 115 Cal. App. 4th 1004, 1007-1011; *see also Conservatorship of McElroy* (2002) 104 Cal. App. 4th 536, 548-52; *Harris v. Rudin, Richman & Appel* (1999) 74 Cal. App. 4th 299, 304-306.

(Eff. 07/01/2014)

ADOPT NEW CIVIL RULE 2.8

2.8 Applications for Ex Parte Orders

(a) This rule applies to ex parte applications in civil matters other than family law matters. (*See* Local Rule 8.8 for ex parte orders in family law matters.) However, this rule does not apply to civil proceedings under the Lanterman-Petris-Short Act, *see* Cal. Welf. & Inst. Code §§ 5000-5550, including hearings under Welfare and Institutions Code section 5332 to determine a person's capacity or incapacity to refuse treatment with antipsychotic medication ("*Riese* hearings").

(b) Ex parte applications must be made in compliance with Rules 3.1201 through 3.1207 of the California Rules of Court. These rules require, among other things, notice to the other side no later than 10:00 a.m. the court day before the ex parte appearance (absent exceptional circumstances), service of the ex parte application on all other parties at the first reasonable opportunity, and the filing of a declaration regarding notice.

(c) Hearings on ex parte applications may be set on any day and will be heard in the appropriate courtroom. Please refer to the Court's website for the ex parte hearing schedule.

(d) In accordance with Rule 3.1207 of the California Rules of Court, an applicant for an ex parte order must appear, either in person or by telephone, except in cases of: (1) applications to file a memorandum in excess of the applicable page limit; (2) applications for extensions of time to serve pleadings; (3) the setting of hearing dates on alternative writs and orders to show cause; and (4) stipulations by the parties for an order.

(*Eff.* 07/01/2014)

ADOPT NEW CIVIL RULE 2.9

2.9 Attorney Fees in Default Proceedings

With the exception of unlawful detainer actions, whenever a contract, promissory note, or other obligation sued upon provides for the recovery of attorney fees, the following schedule will apply to the amount of the fee award unless otherwise determined by the Court.

\$0.01 to \$1,000, 15% with a minimum of \$75.00;
\$1,000.01 to \$10,000, \$150 plus 6% of the excess over \$1,000;
\$10,000.01 to \$50,000, \$690 plus 3% of the excess over \$10,000;
\$50,000.01 to \$100,000, \$1,890 plus 2% of the excess over \$50,000;
Over \$100,000, \$2,890 plus 1% of the excess over \$100,000.

In calculating fee awards based on the foregoing schedule, the Court will use the amount of the damages award in the judgment without including costs, interest, or attorney fees. Any party seeking attorney fees in excess of those provided in the foregoing schedule shall submit a declaration substantiating the extraordinary fees.

(*Eff.* 07/01/2014)